THE HON'BLE SRI JUSTICE K.C.BHANU

W.P.NO.16019 OF 2004

Between:

M/s.Nagarjuna General Engineering Works, reprezsented by its Proprietor, V.Ch.Sriramulu, Guntur.

…..Petitioner

Vs.

The General Manager, Guntur District Cooperative Central Bank Limited, 2/13, Brodipet, Guntur, Guntur District and another

…Respondents

Dt.27.09.2005

O R D E R:

This writ petition is filed for quashing the notice, dated 05.08.2004 issued by the second respondent as illegal and for directing the respondents to return all the documents of the mortgaged property along with the settled statement of account.

It is the case of the petitioner that he was engaged in manufacturing the works of iron grills, gates and bio-gas tanks. On 11.10.1989 the petitioner availed a loan of Rs.1,15,000/- from the respondent-Cooperative Bank by furnishing security of a house constructed by one Bhavana Veeraiah in an extent of 676 square yards in T.S.No.228/B, situated at Stambala Garuvu, Guntur. There after, the respondent Bank issued a notice to the petitioner for recovery of the amount due from the petitioner and also filed E.P.No.542 of 1999. It is also the case of the petitioner that though the Deputy Registrar on special duty has considered the request of the petitioner to settle his case under “One Time Settlement Scheme”, he issued a notice dated 19.05.2003 demanding him to pay an amount of Rs.1,41,461/- along with interest, without giving any sufficient time to him to pay the amount. Aggrieved by the same, the petitioner filed a writ petition before this court in W.P.No.12533 of

2003, wherein this court directed the petitioner to pay the due amount and as per the directions of this court, the petitioner paid Rs.1,50,00/- towards the entire due amount. In spite of the repayment of the entire dues, the second respondent-Deputy Registrar issued another notice, dated 30.09.2003 to the petitioner demanding him to pay a sum of Rs.1,65,000/- along with interest and thereby violated the orders of this Court in W.P.No.12533 of 2003. As the respondent authorities have committed violation of the orders of this court, the petitioner filed C.C.No.1259 of 2003 and this court granted interim stay of auction. After obtaining the interim order, the petitioner submitted a written representation to the respondent authorities dated 13.04.2004 to close the loan account and refund the original documents to the guarantors. In spite of the said representation, another notice dated 05.08.2004 was issued by the second respondent demanding the petitioner to pay an amount of Rs.1,97,275/- by fixing the date of auction of the property. Aggrieved by the same, the present writ petition is filed.

Though the matter is posted for dismissal, none appeared for the petitioner. No counter affidavit is filed by the respondents.

In pursuance of the award passed by the competent authority, the second respondent has issued the sale notice dated 05.08.2004. There are absolutely no grounds mentioned in the affidavit to the effect that the sale notice issued by the second respondent is contrary to the procedure prescribed either under the Co-operative Societies Act, 1964 or under the Rules made therein. The only grievance of the petitioner is that he paid the entire dues, but the same cannot be decided by this Court. Hence, the writ petition is dismissed as devoid of merit. No order as to costs.

K.C.BHANU J.,

Dt.27.09.2005

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